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Charles Meyers
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RE: Paddling Access to Overflow Creek

December 22nd, 2006

Dear Mr. Meyers,

It has come to our attention that the “Friends of the Upper Chattooga (FOTUC)” has requested that Overflow Creek be closed to paddling in a letter sent to you, dated November 14th 2006. Our research indicates that Overflow Creek is not banned to boating today, nor was it ever. It does appear however that the 1985 forest plan contained a never-implemented or noticed paddling ban on a portion of the West Fork of the Chattooga below its beginning at Three Forks. This paddling prohibition was explicitly eliminated in the 2004 Revised Land and Resource Management Plan, through the selection of an alternative that specifically allows paddling to occur on these reaches. Overflow Creek and the Upper West Fork are among the most cherished creek runs in the region and have a 30 year history of continuous enjoyment by whitewater paddlers. The recently published paddler’s guidebook, North Carolina Rivers and Creeks opens with the following statement about Overflow:

“The super classic Chattooga tributary boasts incredible scenery, excellent but manageable class V drops, and one of the richest histories of any southeastern creek. Alan Singley did the first two runs of this creek solo in the mid seventies, and the run grew to be a popular if hard to catch creeking staple in the eighties. 30 years after it was explored, Overflow remains as one of the best runs in the south...”

We were recently contacted by Sumter National Forest staff, who confirmed that Overflow Creek and the West Fork of the Chattooga are in fact open to paddling. Apparently, they have shared this fact with the “FOTUC” as well in a meeting. It is clear from the 2004 RLRMP/FEIS that paddling on Overflow and the West Fork is an accepted use, and the selected alternative specifically allows paddling these reaches. Obviously, we appreciate this support of our recreational enjoyment. While we hope this issue is now resolved and behind us, we respectfully offer the following information in support of

the current legality of paddling Overflow Creek and the West Fork of the Chattooga. If this issue arises in the future, we ask that you contact us immediately.

1. The 2004 Final Environmental Impact Statement (FEIS) for the Sumter National Forest Revised Land and Resource Management Plan (RLRMP) specifically granted floating access to the Upper West Fork of the Chattooga and Overflow Creek.

The selected alternative in the FEIS specifically grants the right to legally float these streams. The Sumter RLRMP FEIS states that under the preferred and selected alternative:

“boating would continue to be restricted in the 21 miles of river upstream of the Highway 28 Bridge, along the main stem of the Chattooga. Boating would still occur downstream to Tugaloo Lake, while **“creek-boating” would still occur on other rivers and tributaries in the area. Some of these waters include ... Big Creek, Holcombe, Overflow and Stekoa in the Chattooga watershed itself...**”

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It is made clear in this statement that the alternative selected by the USFS did not contain a prohibition on paddling Overflow Creek, and in fact specifically recognized that paddling would be allowed on Overflow Creek and other Chattooga tributaries.

Several pages later in the same analysis the FEIS clarifies that Overflow Creek, for purposes of the FEIS and recreational management is defined by the USFS as the roughly six mile reach from USFS Road 86B to Overflow Creek Bridge¹. This is the classic and commonly paddled section of Overflow Creek which includes the 2 miles (roughly) of the West Fork of the Chattooga upstream of the Overflow Creek Bridge.² Indeed, paddling Overflow Creek without paddling these last 2 miles on the West Fork would require a grueling hike and significant rapids would be missed. Thus, by selecting Alternative I, the USFS actively repealed the never-implemented 1985 prohibition on floating the Upper West Fork.

¹ “As a comparison, the section of Overflow Creek (a tributary of the West Fork of the Chattooga in Georgia) from USFS Road 86B to Overflow Creek Bridge (approximately 6 miles) is similar to sections of the Chattooga upstream from Highway 28, although considered by some to be a much more technical and difficult watercourse to navigate. It possesses several Class V rapids, very steep gradients, and the access into and out of the gorge is very difficult. However, Tallulah Ranger District Staff do not recall any reported search and rescue operations involving boaters on Overflow Creek in the last 14 years.” H-28 FINAL ENVIRONMENTAL IMPACT STATEMENT

² North Carolina Rivers and Creeks, by Leland Davis notes that paddling Overflow Creek includes paddling the Upper West Fork of the Chattooga and in total is 6.4 miles long, for which one puts in at Billingsley Creek Road (presumably the same as USFS Road 86B) and takes out at the Overflow Creek Road Bridge.

While our administrative appeal of the ban on paddling the uppermost 21 miles Chattooga reverted the management of that section to the 1985 management plan, it had no effect on management of other river reaches. Therefore, the West Fork remains under the guidance of the 2004 RLRMP.

One final note on this matter is that while under Alternative I “boating would continue to be restricted in the 21 miles of river *upstream* of the Highway 28 Bridge”, we would like to point out that the West Fork of the Chattooga enters the Chattooga River *downstream* of the Highway 28 Bridge. Furthermore neither the West Fork nor Overflow Creek are ever crossed by Highway 28 and remain totally downstream of Highway 28. We have attached a topographic map exhibiting these points.

2. The RLRMP follows the FEIS by designating the entire West Fork of the Chattooga open to paddling.

The RLRMP contains the guidance that “The portions of the Chattooga River open to boating are divided into four sections. (Please refer to the following map.) Section I is the West Fork of the Chattooga River in Georgia ending at the main river channel...”(Appendix 1). The referenced map accompanying the RLRMP, which we have included for your convenience, depicts Section 1 of the Chattooga extending upstream to Three Forks, and considerably up Overflow Creek. The entire West Fork is highlighted yellow, which according to the key means “Open to Boating.” This designation is supported by a standard from the RLRMP which states “Canoe and kayak trips can be taken in Sections I, II, and III only (3-11),” which is presumably meant to reflect the standard which states boating is prohibited on the Chattooga upstream of Highway 28, and to only refer to the Chattooga and its West Fork (not tributaries).

The RLRMP is silent on Overflow Creek which is, and always has been, open to floating.

3. The West Fork of the Chattooga and Overflow Creek are two distinct streams, and the 1985 prohibition on floating a portion of the West Fork did not apply to Overflow.

The West Fork of the Chattooga begins at an area called Three Forks, where Overflow, Holcombe, and Big Creek come together, and ends at its confluence with the main stem of the Chattooga (see attached topographical map). It is obvious on any map, and in any system of stream nomenclature, that the West Fork of the Chattooga and Overflow Creek are two different rivers. Thus, while in 1985 the USFS may have banned boating *on the West Fork* upstream of the bottom 4 mile section, that ban only extended upstream to the uppermost point of the West Fork (Three Forks). The 1985 plan focused only on “the river” and its West Fork, and was notably silent on Overflow Creek and many other tributaries to “the river”. Thus paddling Overflow Creek was never prohibited. The West Fork prohibition was stated casually as such, with no justification:

Use patterns have stabilized on the river, although use continues to rise. Floating is limited to the 26 mile portion below Highway 28 Bridge and the West Fork's lower 4 miles in Georgia. Sections of the river designated I-IV are open to boating with each section providing progressively more difficult white water than the preceding one.

Page M-2 of the 1985 Forest Plan

Still, when paddlers run Overflow Creek they continue downstream on the West Fork of the Chattooga below Three Forks and take out at the Overflow Creek Road Bridge. At least two significant rapids (The Great Marginal Monster and Pinball) occur on this section of the West Fork. If paddlers were required to take out at Three Forks a major hike out would be required and the two most challenging rapids would be missed. If enforced today, the 1985 prohibition on paddling the West Fork would therefore seriously impact or eliminate the use and enjoyment of Overflow Creek and the West Fork by paddlers. We offer this information only to clarify that the never-implemented 1985 paddling prohibition only applied to the West Fork of the Chattooga, not Overflow Creek.

4. Wild and Scenic designation of the West Fork in no way mandates a boating prohibition as the FOTUC suggest.

As a separate attempt to eliminate paddling enjoyment of Overflow Creek, the FOTUC ask that the USFS prohibit paddling on the Wild and Scenic West Fork immediately to protect the river's Outstanding Remarkable Values. The 2004 RLRMP/FEIS specifically addressed Wild and Scenic River Management, and the selected alternative allows paddling on the West Fork. Paddling use on this reach (as part of Overflow) was discussed in multiple sections of the FEIS and no significant impacts were noted. There is simply no reason to strip an existing Wilderness compliant use from a Wild and Scenic River when a recent analysis shows no significant impacts and supports the use.

This is supported by Section 10(a) of the Wild and Scenic Rivers Act which states: "Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values." There is no evidence that paddling in any way interferes with use and enjoyment of the West Fork, and in fact there is ample evidence to the contrary. Therefore paddling use should not be limited on the West Fork under the Wild and Scenic Rivers Act.

5. Potential Wild and Scenic designation of Overflow Creek would support, not prohibit paddling as the FOTUC suggest.

The 2004 Chattahoochee-Oconee Forest Plan specifically recognizes boating as a component of the Creek's Recreation ORV, and thus paddling would have to be protected under the Wild and Scenic Rivers Act if it were to be designated, and until designation occurs. Designation of Overflow Creek would protect uses and ORV's present at the

time of designation. Counter to the FOTUC's assertion, the fact that Overflow was first paddled (First Descent 1978) after the *Chattooga* was designated as Wild and Scenic has no relevance to the designation of *Overflow Creek* or the protections that designation would provide.

6. There is no basis for prohibiting paddling on Overflow or the West Fork in the 1985 or the 2004 RLRMP.

There was no analysis or even discussion of a paddling prohibition on the West Fork of the Chattooga in the 1985 RLRMP and therefore there was no basis for any such prohibition. Similarly, there was not a single impact associated with paddling Overflow Creek and the West Fork noted in the 2004 RLRMP/FEIS, and no alternative even considered a paddling prohibition on these streams. There is a 28 year history of continuous paddling on Overflow Creek with no management problems or noted impacts. In this timeframe we are aware of no fatalities, assisted rescues, user conflicts, or environmental impacts associated with paddling these reaches – and it is thus very likely that none exist in the record³. This is further supported by the fact that the managing Forest has highlighted paddling as a recreational value contributing to Overflow Creek's Wild and Scenic eligibility.

Conclusion:

The FOTUC has asked you to close one of the crown jewels of southeastern paddling. The Sumter National Forest has responded appropriately, clarifying that the streams are open to paddling. The 2004 RLRMP and FEIS fully support paddling the West Fork and Overflow Creek in the analysis, standards, maps, and most importantly in the selected alternative. The RLRMP/FEIS contain no mention of, or continuation of the never-implemented 1985 prohibition on boating the Upper West Fork of the Chattooga. Banning paddling on these reaches today as the FOTUC request would only create more conflicts and challenges for everyone involved, and would directly contradict the RLRMP and FEIS. We appreciate the Sumter National Forest's clarification that paddling the West Fork of the Chattooga and Overflow Creek is not prohibited. We respectfully offer the above information just in case this issue continues to raise opposition from the FOTUC.

Thank you for considering these thoughts, and as always I encourage you to contact me if you have any questions regarding this or any other matter. Happy Holidays from all of us at American Whitewater.

Respectfully,

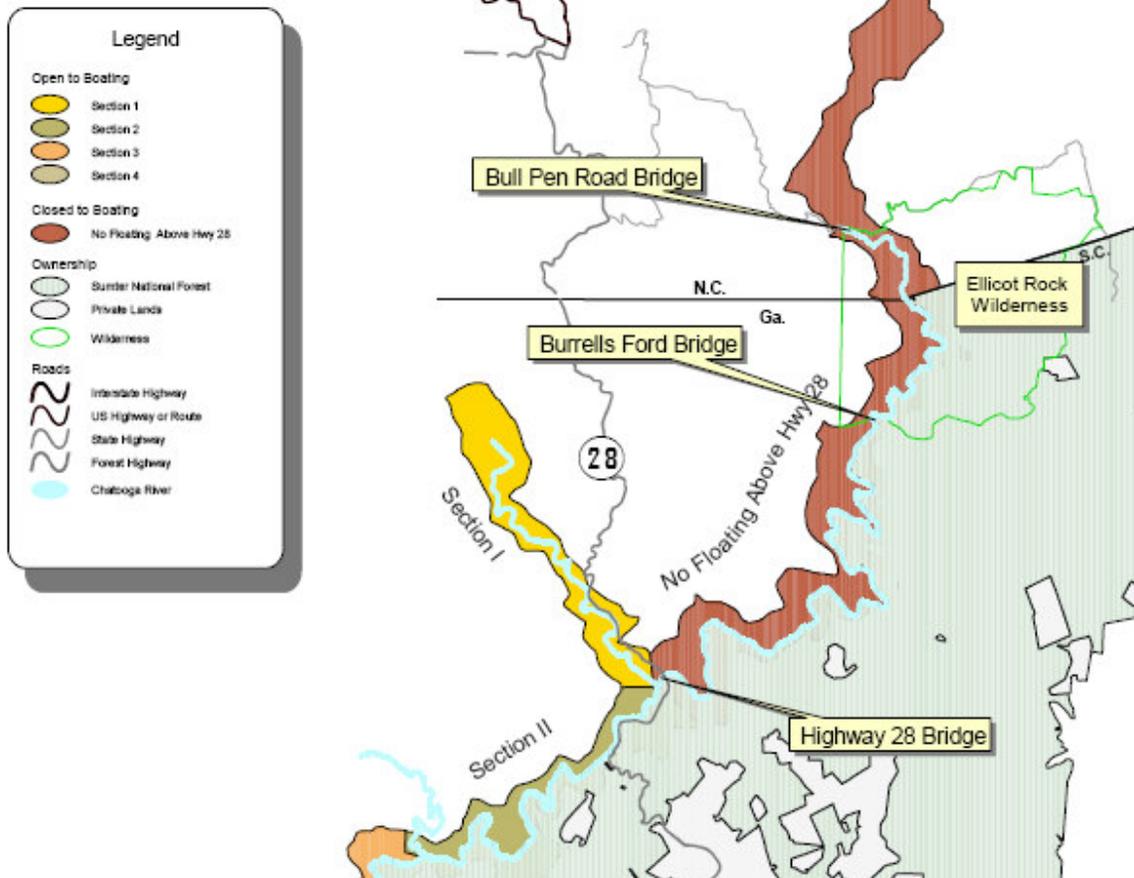


³ "Tallulah Ranger District Staff do not recall any reported search and rescue operations involving boaters on Overflow Creek in the last 14 years." H-28 FINAL ENVIRONMENTAL IMPACT STATEMENT

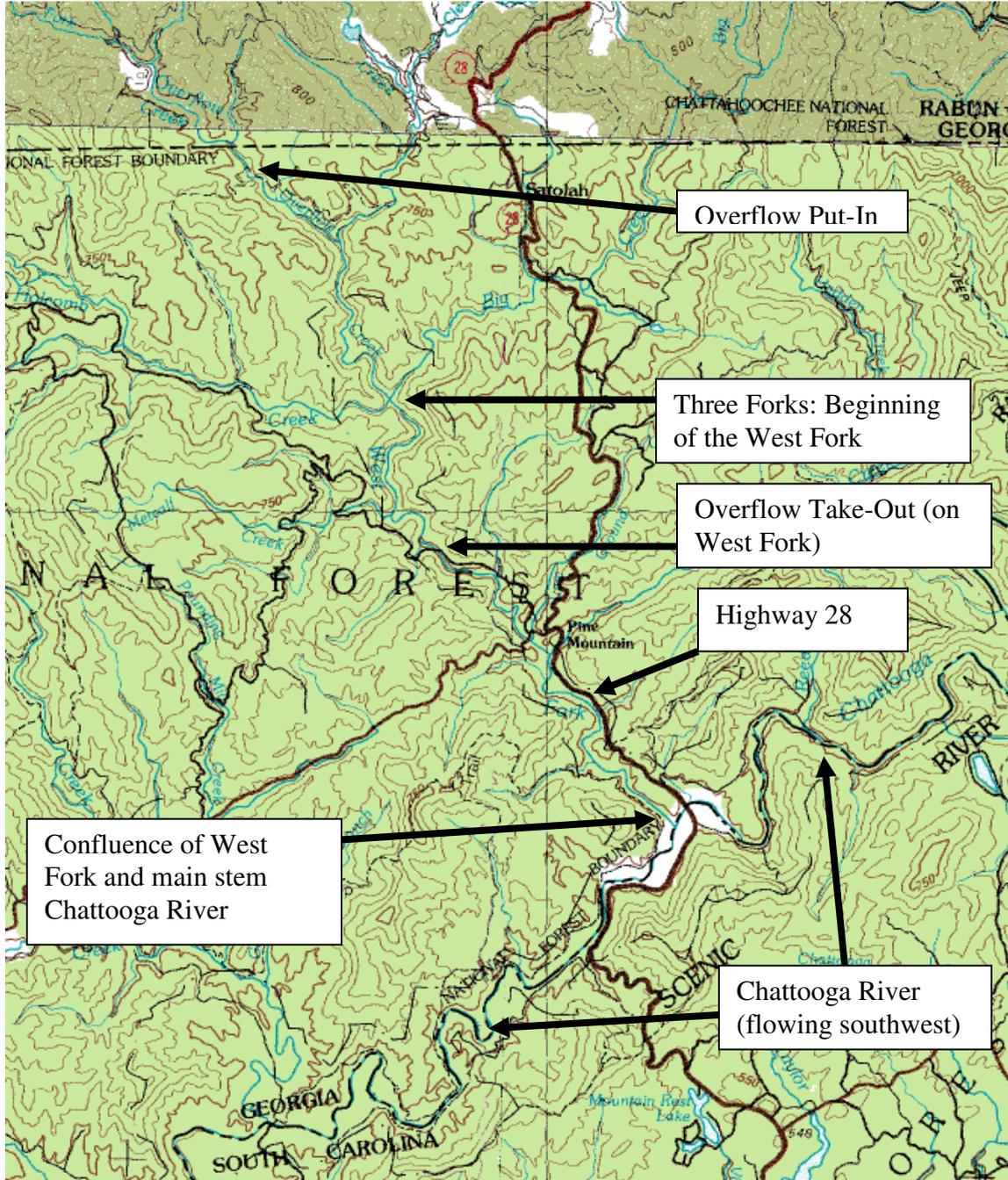
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Don Kinser, AW
Charlene Coleman, AW



USFS map from the 2004 Sumter RLRMP Appendix 1, depicting that the entire West Fork of the Chattooga is “Open to Boating.” Note also that the upstream terminus of the West Fork is precisely at Three Forks.



Above: Topographic map depicting that 1) the West Fork of the Chattooga begins at Three Forks, 2) The West Fork’s confluence with the main Chattooga is south and downstream of the Chattooga Highway 28 Bridge, and 3) Overflow and the West Fork do not cross Highway 28.